

RESPONSE UNDER 37 C.F.R. § 1.116
Appln. No.: 09/880,755

Attorney Docket No.: Q64933

REMARKS

Claims 1-15 are all the claims currently pending in the application.

It does not appear that the examiner has indicated acceptance of the Formal Drawings filed on June 15, 2001. Such acknowledgement is respectfully requested.

Claims 1, 2, 3, 4, 7, 8, 9, 10 and 15 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Brohoff (U.S. Patent No. 6,108,533; hereinafter "Brohoff"). This rejection is respectfully traversed.

The particular problem to which the present invention is directed is discussed at lines 1-17 of page 3 of the specification. A user driving by a service location wants to talk to the service provider but does not know the number. A call to information may require that the user know the location. An improvement is to use a GPS system to track the location of the caller, but the user still needs to know the telephone number to dial. Even if the telephone number is displayed on the outside of the service establishment, it is cumbersome to dial and difficult to remember.

To address these issues, the present invention uses short-code numbers that designate individual establishments within limited geographical areas. As described, for example, at lines 29-31 of page 3, the geographical area may be the coverage area of a control station in the mobile network. This means that the mobile terminal does not have to include a GPS system to track its location. Instead, e.g., if the user sees a short code number XXX on a building the user is necessarily in the geographical area in which XXX will access that service establishment. IN other words, the association between a short-code number and a service establishment is fixed simply by the user being in the geographical area, without any tracking of location necessary.

RESPONSE UNDER 37 C.F.R. § 1.116
Appln. No.: 09/880,755

Attorney Docket No.: Q64933

Further, the short-code number is just that, i.e., a short code number. It is not a long word, not the name of a service establishment, not a full telephone number. The specification, at line 28 of page 3, explicitly defines a short-code number as having two or three digits. The reason for using such a short code is that it is easy to remember and easy to dial, for a mobile user who may be driving by, e.g., as noted at lines 32-35 of page 3.

Brohoff teaches a specific search key that may designate a commercial establishment such as "Pizza Hut" and may also be associated with a specific geographic location. The specific search key in Brohoff could lead to a single business/service location if there is only one such location within the geographical area with which the specific search key is associated. But there is no suggestion in Brohoff that the specific search key be a short-code number of 2-3 digits. To the contrary, at lines 46-48 of column 4 Brohoff suggests specific search keys such as Pizza Hut, McDonald's and Burger King. The important conceptual difference is that in Brohoff these are "search" keys, i.e., the user enters something and the system checks to see what might be available that is responsive. The search keys must convey the subject matter being searched for, so that the system can conduct its search. A short-code number would be totally unworkable in Brohoff. A short-code number works when the user has been given the code to use, either having it transmitted or seeing it displayed. So Brohoff fails to anticipate claim 1 because it does not teach the use of a short-code number, and in fact teaches directly away from that.

Claims 2-4 and 15 are not anticipated due to their dependence on claim 1. Claims 7-10 are distinguishable over Brohoff in that claim 7 recites the same distinctive features discussed above with respect to claim 1. Further, claim 15 clarifies that the short-code number recited in

RESPONSE UNDER 37 C.F.R. § 1.116

Appln. No.: 09/880,755

Attorney Docket No.: Q64933

claim 1 designates a single commercial establishment. This is not the case in Brohoff. It may well turn out that there is only one commercial establishment in a given zone that is responsive to the search key entered by the user, but it should be remembered that this is a search key, not a designator. The search key does not designate a single anything, but is a search query. There may in fact be nothing in the current geographical area responsive to the query. According to the present invention the short-code number identifies a single service in a given geographical area. The search keys in Brohoff do not designate anything, they are search queries.

In Brohoff, the user is in a geographical location which is unfamiliar and is using the system to find establishments of a particular type. Thus, the need for a search key that contains information which will allow the system to search to see if there is anything of that type within the geographical area. On the other hand, the example given in the present application is one where the user drives past the establishment and sees a short code displayed on the outside. An advantage of the present invention is that the user does not have to enter something complicated like the name of the establishment or a descriptive term, which are needed in Brohoff. The way this is accomplished is the user is given a short code while driving by, a code short enough that it can be easily remembered and easily dialed. Key elements of this arrangement are that the code is short (as reflected in claims 1 and 7) and that it is given to the user (as reflected in claims 5, 6 and 11-14), which leads then to the discussion of these claims.

Claims 5, 6, 11 and 12 stand rejected as unpatentable over the combined teachings of Brohoff and Michaels. This rejection is respectfully traversed. Michaels teaches broadcasting telephone numbers to subscribers, with the subscriber terminals receiving the telephone numbers

RESPONSE UNDER 37 C.F.R. § 1.116

Appln. No.: 09/880,755

Attorney Docket No.: Q64933

and storing them in speed dial locations in the SIM. The user can then enter the speed dial code to call the commercial establishment. There are some similarities here to what is done in the present invention, but not to the extent that the details of the rejected claims are taught.

First of all, claims 5 and 6 both require that the short-code number be communicated to the mobile telephone, and this is the same short-code number which claim 1 describes as being supplied by the user to the telephone and identifying a specific service in a given geographical area. What Michaels sends to the user is not a short-code number, but rather a telephone number along with an alphanumeric tag which is typically the name of the person or company (see, lines 39-40 of column 4). Further, in Michaels the user does not supply to the telephone the telephone number sent to the user telephone by the system. The user only enters a speed dial number, which is an available speed dial location determined at the telephone and is not something sent to the user by the system.

If one of skill in the art were to consider the teachings of Brohoff and Michaels, it would be apparent that Brohoff is designed as a system where the user is asking the system to search to see if a particular type of service is available, and Michaels is a system in which the user does not search at all but has in fact already be given numbers for certain available services such as car rental. So the two systems operate on entirely different premises. If one were to send the telephone numbers to the user as is done in Michaels, one would have no need to search for and retrieve telephone numbers as is done in Brohoff.

And if the artisan were to somehow combine the teachings of the two references, the result would be a system such as Brohoff where the user enters a descriptive search key or a

RESPONSE UNDER 37 C.F.R. § 1.116

Appln. No.: 09/880,755

Attorney Docket No.: Q64933

system such as Michaels where the telephone numbers are sent to the user. In neither of these cases is a short-code number sent to the subscriber, and certainly not a short-code number that the user subsequently enters into the phone to access the service.

The rejection of claims 13 and 14 for unpatentability over Brohoff and Ilhan is also respectfully traversed. Ilhan teaches that a terminal may obtain information from a billboard or a local transmission, etc., but the obtained information is a telephone number or coupon, but no suggestion of a short-code number for contacting the vendor establishment. There may be a telephone number transferred, but this is not a short code number as defined in the present application. There are other items of information which may be transferred, such as a coupon number, but these are not used to contact the service, nor are they short-code numbers.

If one of skill in the art were to consider the two references, one would see the Brohoff operation as being useful for finding services the user did not know the location of, and the Ilhan technique might be a useful additional feature for receiving broadcasts with telephone numbers and the like, but even combining the features of the two systems would result in the Brohoff part using search queries and the Ilhan part using telephone numbers. Neither reference teaches the use of a short-code number as defined in the present application.

The independent claims of the present application require short-code numbers designating a single service or business facility. Claims 5, 6 and 11-14 require these same features as well as that the short-code number be provided to the user, this short-code number being the same number that is supplied by the user to the telephone in order to access the single service or business facility. None of the references teach the use of short-code numbers, so the

RESPONSE UNDER 37 C.F.R. § 1.116

Appln. No.: 09/880,755

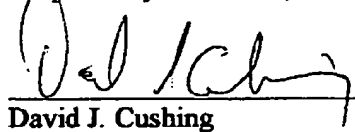
Attorney Docket No.: Q64933

combination of their teachings could not possibly result in a system with this feature. Further, none of the references teach the use of a short-code number which, in combination with knowledge of a given geographical area, can uniquely designate a business facility within that geographical area, i.e. without the need of a telephone number.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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